

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
vs. § Case No. 4:14cr56
§ (Judge Crone)
FRANK LOPEZ §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 8, 2014, to determine whether Defendant violated his supervised release.

On June 19, 2008, Defendant was sentenced by the Honorable Richard J. Holwell to one hundred and thirty-two (132) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Distribute and Possess with Intent to Distribute Crack. On July 26, 2010, Defendant completed his period of imprisonment and began service of his supervised term. The case was transferred to the Eastern District of Texas.

On June 12, 2014, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory, standard, and special conditions. The Government agreed to dismiss allegation three and four.

The petition alleges that Defendant committed the following acts related to allegations one and two: On June 27, 2012, October 21, 2013, October 28, 2013, December 4, 2013, January 15, 2014, March 11, 2014, March 25, 2014, and April 10, 2014, Defendant submitted urine specimens that tested positive for marijuana.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release.

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of seven (7) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 14th day of July, 2014.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE